

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MONTY L. DAVIS et al.,

Plaintiffs,

v.

DAVID M. CONNOLLY,

Defendant.

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Civil Action No. 09-4629 (SRC)

OPINION & ORDER

CHESLER, U.S.D.J.

This matter comes before the Court on the motion for summary judgment, pursuant to Federal Rule of Civil Procedure 56, by Plaintiffs Monty L. Davis, Mary R. Davis, Richard L. Bergmark and Toni M. Bergmark (collectively, “Plaintiffs”). For the reasons stated below, the motion will be granted.

On February 11, 2010, this Court granted in part Plaintiffs’ motion for summary judgment, establishing Defendant David M. Connolly’s (“Connolly”) liability on Plaintiffs’ claims for breach of fiduciary duty and conversion. Plaintiffs now move for summary judgment as to damages on these claims. This is, however, a motion with opposition briefs in which there is no actual dispute. The parties agree that the Davises invested \$600,000 and received \$30,000 in distributions from Connolly, while the Bergmarks invested \$490,000 and received \$15,000. The parties also agree that Connolly should return the net amount Plaintiffs invested, and that Plaintiffs should relinquish any interest in the properties invested in. Because the parties agree on the amount of damages, the motion for summary judgment will be granted, and Judgment will

be entered in favor of Monty and Mary Davis in the amount of \$570,000, and in favor of Richard and Toni Bergmark in the amount of \$475,000, contingent on each Plaintiff renouncing all interest in the property invested in.

. For these reasons,

IT IS THEREFORE on this 2nd day of September, 2010,

ORDERED that Plaintiffs' motion for summary judgment (Docket Entry No. 46) is **GRANTED** in the amount of \$570,000 for Monty and Mary Davis, and in the amount of \$475,000 for Richard and Toni Bergmark.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.